

Translation

PATENT COOPERATION TREATY

PCT/DE2002/000168



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

NOV 04 2004

Applicant's or agent's file reference LE/fr030029wo	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2002/000168	International filing date (day/month/year) 19 January 2002 (19.01.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC B65D 90/00		
Applicant LEPUS VERMÖGENSVERWALTUNG GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 16 June 2003 (16.06.2003)	Date of completion of this report 17 May 2004 (17.05.2004)
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2002/000168

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 2-5 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1 _____, filed with the letter of 10 September 2003 (10.09.2003)
- ☒ the drawings:
pages _____ 1/4-4/4 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

1. The closest prior art document, US 4 819 820 A, discloses a container (1) on whose outer walls (4, 5, 6, 7) hollow bodies (11) for receiving locking devices are disposed for the purpose of locking the container to similar containers, wherein the container (1) on its outer sides (4, 5, 6, 7) has means (25) which engage means (32) of neighbouring containers, position the container relative to the neighbouring container or containers in a defined manner and horizontally lock the containers to each other.

The concept according to which the means are in the **same form** and disposed on all **four** vertical outer sides for the purpose of achieving a simpler container structure has not yet been suggested or disclosed in the searched prior art.

Claim 1 is therefore novel and inventive.

2. Consequently, dependent claims 2 to 5 are likewise novel and inventive.

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3. Claim 1, and hence all the dependent claims, are unclear within the meaning of PCT Article 6 because the word "on" (German: "an"), which should be the second word in claim 1, is missing.
4. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document US 4 819 820 A or indicate the relevant prior art disclosed therein.
5. Contrary to PCT Rule 5.1(a)(iii), the description is not consistent with the claims.
6. The features of the claims are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).
7. Claim 1 has been duly drafted in the two-part form, but some features should not have been included in the characterizing part since they were disclosed in document US 4 819 820 A (see paragraph 1 above) in conjunction with the features indicated in the preamble (PCT Rule 6.3(b)).